

## MARINO, TORTORELLA &amp; BOYLE, P.C.

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April 7, 2025

**VIA ECF**

Honorable Rukhsanah L. Singh, U.S.M.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State St.  
Trenton, NJ 08608

Re: *In re: Insulin Pricing Litigation*, No. 2:23-md-03080-BRM-RLS  
MDL No. 3080 | Request for Leave to File a Response in Opposition to Plaintiffs'  
April 4 Submission [ECF 493]

Dear Judge Singh:

I write on behalf of Defendants Caremark Rx, LLC, Caremark LLC, and Caremark PCS Health, LLC (collectively, "CVS Caremark"); Express Scripts, Inc., Medco Health Solutions, Inc., and Express Scripts Administrators, LLC (collectively, "Express Scripts"); and OptumRx, Inc., (collectively, the "PBM Defendants") to respectfully request leave to file respective responses to Plaintiffs' position statement regarding MDL discovery [ECF No. 493].

This Court previously provided the parties leave to update the Court regarding custodial negotiations "by joint submission or simultaneous position statements." ECF 481. Each PBM Defendant and Plaintiffs submitted simultaneous statements on April 4. ECF Nos. 489-90 & 492-93. Plaintiffs' submission, however, raised multiple issues and sought relief that they never raised or discussed with the PBM Defendants. For example, as to CVS Caremark, Plaintiffs seek certain additional custodians by name, or additional time periods for custodians already proposed, that were not discussed during the meet and confers following the March 11 conference. Along the same lines, Plaintiffs did not advise the PBM Defendants that they planned to brief data issues in their April 4 letter, and the PBM Defendants' April 4 letters accordingly do not address these issues. Plaintiffs' request for specific relief—without advising PBM Defendants of what particular relief Plaintiffs planned to move on—is in tension with CMO 17's conferral requirements. *See* CMO 17 at ¶ 2. Accordingly, responses from the PBM Defendants will aid the Court in its resolution of these discovery disputes. The PBM Defendants respectfully request that they be given until Monday, April 14, to submit their responses. If this request is acceptable, we ask that Your Honor endorse this letter as "So Ordered" and have it entered on the Court's docket.

MARINO, TORTORELLA & BOYLE, P.C.  
ATTORNEYS AT LAW

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Thank you for your consideration of this request.

Respectfully submitted,

/s John D. Tortorella

John D. Tortorella

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Caremark LLC, and Caremark PCS Health,  
LLC*

/s Jason R. Scherr

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Medco Health Solutions, Inc., and Express  
Scripts Administrators, LLC*

/s Thomas P. Scrivo

Thomas P. Scrivo

*Counsel for Defendant OptumRx, Inc.*

cc: Honorable Brian R. Martinotti, U.S.D.J.  
All Counsel of Record

SO ORDERED:

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Hon. Rukhsanah L. Singh, U.S.M.J.